

110TH CONGRESS  
2D SESSION

# H. R. 7041

To authorize the Secretary of Homeland Security to award grants on a competitive basis to regional biocontainment laboratories for maintaining surge capacity that can be used to respond to acts of bioterrorism or outbreaks of infectious diseases, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2008

Mr. CARNEY (for himself, Mr. MCINTYRE, Mr. PALLONE, Mr. HOLDEN, Mr. BACHUS, Mr. BUTTERFIELD, Mr. FATTAH, Mr. PAYNE, Ms. SCHWARTZ, Mr. ALTMIRE, Mr. DOYLE, and Mr. COHEN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To authorize the Secretary of Homeland Security to award grants on a competitive basis to regional biocontainment laboratories for maintaining surge capacity that can be used to respond to acts of bioterrorism or outbreaks of infectious diseases, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Laboratory Surge Ca-  
5 pacity Preparedness Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) The Federal Government, through grants  
4 provided by the National Institute of Allergy and In-  
5 fectionous Diseases, has invested more than  
6 \$250,000,000 in the construction of regional bio-  
7 containment laboratories (RBLs), a network of 13  
8 university-based Biosafety Level 3 (BSL3) labora-  
9 tories. Individual university grant recipients have  
10 provided additional private matching funds to con-  
11 struct these facilities.

12 (2) These laboratories were established to fulfill  
13 2 functions essential to the Nation's biodefense  
14 strategy:

15 (A) To support research for the develop-  
16 ment of drugs, vaccines and diagnostics for  
17 emerging infections and biological threats.

18 (B) To provide surge capacity in support  
19 of a public emergency response to acts of bio-  
20 terrorism and outbreaks of infectious disease.

21 (3) While the Federal Government has provided  
22 support for the construction of these facilities, it has  
23 not to date provided the operational support re-  
24 quired by these laboratories to fulfill their Federal  
25 surge capacity mission.

1           (4) Recent bioterrorism exercises conducted by  
2           the Department of Homeland Security and the Cen-  
3           ters for Disease Control and Prevention have dem-  
4           onstrated that the Federal Government may not  
5           have sufficient laboratory surge capacity to ade-  
6           quately respond to a large scale bioterrorism event.

7           (5) Once fully operational, the network of  
8           RBLs will be able to collectively provide more than  
9           52,000 square feet of laboratory space within a rel-  
10          atively short period of a declared national bioterror  
11          or pandemic emergency.

12          (6) In addition, the RBL network will be able  
13          to collectively provide the services of nearly 500  
14          trained personnel, of which more than 230 will have  
15          Department of Justice clearance.

16          (7) Each of the RBLs has highly trained and  
17          specialized personnel capable of handling select  
18          agent pathogens and conducting diagnostic testing,  
19          in a secure BSL3 setting that can be “locked down”  
20          rapidly and discreetly during an act of bioterrorism.  
21          Each facility can maintain “chain of custody” re-  
22          quirements for specimen processing.

23          (8) All of the RBL facilities were designed with  
24          multiple laboratory suites, so that each can handle  
25          multiple airborne pathogens simultaneously without

1 the risk for cross-contamination. Additionally, the  
2 RBLs can support critical threat assessment re-  
3 search through the combined strengths of some of  
4 the world's leading bioterrorism research experts  
5 and the development of diverse animal models.

6 (9) The House Homeland Security Appropria-  
7 tions Subcommittee recognized the multi-agency po-  
8 tential of the RBLs by including report language in  
9 its fiscal year 2008 appropriations bill calling on the  
10 Department of Homeland Security to “leverage the  
11 Federal investment in these facilities”.

12 (10) The Federal Government, through the De-  
13 partment of Homeland Security, should provide  
14 funding for the RBL network to preserve this crit-  
15 ical homeland security asset and ensure that the Na-  
16 tion has the surge capacity needed to adequately re-  
17 spond to acts of bioterrorism and pandemics.

18 **SEC. 3. LABORATORY SURGE CAPACITY.**

19 (a) GRANTS.—The Secretary of Homeland Security  
20 shall award grants on a competitive basis to regional bio-  
21 containment laboratories for maintaining surge capacity  
22 that can be used to respond to acts of bioterrorism or out-  
23 breaks of infectious diseases.

24 (b) AMOUNT.—The Secretary shall base the amount  
25 of a grant under this section to a regional biocontainment

1 laboratory on the costs incurred by such laboratory that  
2 are associated with the provision of surge capacity.

3 (c) INSPECTIONS.—The Secretary may award a grant  
4 to a regional biocontainment laboratory under this section  
5 only if the laboratory agrees to allow the Secretary and  
6 other relevant Federal agencies to inspect the facilities of  
7 the laboratory.

8 (d) DEFINITIONS.—In this section—

9 (1) The term “regional biocontainment labora-  
10 tory” means any of the 13 regional biocontainment  
11 laboratories funded through the National Institute  
12 of Allergy and Infectious Diseases.

13 (2) The term “relevant Federal agency” means  
14 any Federal agency with a role in public emergency  
15 response to acts of bioterrorism and outbreaks of in-  
16 fectionous diseases.

17 (3) The term “Secretary” means the Secretary  
18 of Homeland Security.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—To carry  
20 out this section, there are authorized to be appropriated—

21 (1) \$21,500,000 for fiscal year 2009;

22 (2) \$23,500,000 in fiscal year 2010; and

23 (3) \$26,000,000 in fiscal year 2011.

1 **SEC. 4. REPORTING.**

2 Not later than 6 months after the date of the enact-  
3 ment of this Act, the Secretary of Homeland Security, in  
4 consultation with the Secretary of Health and Human  
5 Services, shall report to the Congress on—

6 (1) activities undertaken to integrate the net-  
7 work of regional biocontainment laboratories (as de-  
8 fined in section 3(d)(1)) with the Center for Disease  
9 Control and Prevention’s laboratory reponse net-  
10 work; and

11 (2) the extent to which additional Biosafety  
12 Level 3 (BSL3) laboratories are needed to fulfill the  
13 Nation’s laboratory surge capacity needs.

○